

MINUTES OF THE PUBLIC HEARING AND BOARD OF TRUSTEES MEETING HELD ON DECEMBER 12, 2022 AT 1180 SIXTH AVENUE, NEW YORK, NEW YORK AND VIA REMOTE ATTENDANCE, PARTICIPATION AND OBSERVATION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET.

Mayor O'Brien called the Board of Trustees meeting to order at 5:04 p.m., and the following were in attendance via video or phone connection:

Hugh O'Brien, Mayor
Frank Wolf, Deputy Mayor, Trustee
Susan Skerritt, Trustee
Anna Kovner, Trustee
Scott Rosenblum, Advisor to the Board
Joseph Prokop, Village Attorney
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
Rich Wilde, Chief Lifeguard
And at times up to 0 persons attended in-person and 0 other attendees observed through internet connection

ADJOURN INTO EXECUTIVE SESSION

Trustee Skerritt made a motion at 5:04 p.m. that the Board adjourn into Executive Session to discuss one or more of the following: information relating to current and future investigation and or prosecution of offenses in the Village, litigation strategy in pending or future litigation, personnel matters as described in Public Officers Law Section 105(f), and the purchase or sale of real property. The motion was seconded by Trustee Wolf and on call it was approved according to the following vote:

Motion: Trustee Skerritt
Seconded: Trustee Wolf
In Favor: Mayor O'Brien, Trustee Wolf, Trustee Skerritt, Trustee Kovner
Against: None
Abstain: None

At the invitation of the Board, Assistant First Chief Jarrod Bernstein attended the Executive Session from 5:05 p.m.. to 5:18 p.m. to discuss personnel matters.

Trustee Oppenheimer arrived at the meeting at 5:06 p.m.

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion at 6:00 p.m. to close the Executive Session and to re-adjourn into public session. The motion was seconded by Trustee Skerritt and on call it was approved according to the following vote:

Motion: Trustee Wolf
Seconded: Trustee Skerritt
In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner
Against: None
Abstain: None

Mayor O'Brien called the Public Meeting to order at 6:02 p.m. and the following were in attendance:

Hugh O'Brien, Mayor
Frank Wolf, Deputy Mayor, Trustee
Nat Oppenheimer, Trustee
Susan Skerritt, Trustee
Anna Kovner, Trustee
Scott Rosenblum, Advisor to the Board
Joseph Prokop, Village Attorney
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
Meagan Leppicello, Deputy Clerk Treasurer (Remote)
And at times up to 0 persons attended in-person and at times up to 29 other attendees observed through internet connection

PUBLIC HEARING: LOCAL LAW MODIFICATION TO CHAPTER 55 (ZONING) TO MODIFY THE DEFINITION OF HARDSCAPE

Mayor O'Brien stated that the local law being considered to modify the definition of Hardscape in Chapter 55 has been recently revised beyond the date required for adoption at the Board meeting that follows the public hearing. After discussion and all having a chance to be heard, Trustee Wolf made a motion at 6:05 p.m. to adjourn the public hearing until the next meeting of the Board. The motion was seconded by Trustee Skerritt, and on call the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Skerritt

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

ADOPTION OF EMPLOYMENT POLICY: FLEX TIME

Village Administrator Posillico provided a brief overview of the two employee policies that had been drafted and were up for consideration, one for compensatory time for employees exempt from overtime pay, and the other for allowance of flex time. After discussion and all having a chance to be heard, Trustee Kovner made a motion to adopt the following employment practice policy regarding flex time for certain classes of employees:

FLEXTIME POLICY

Background

The Village of Saltaire confirms its commitment to develop, maintain and support a comprehensive policy of equal opportunities in employment within the Village. To assist in this goal, the Village will support Flextime for Administrative staff where it is reasonable and practical to do so and where the operational needs of the Village will not be adversely affected. The operating days and hours of the Administrative Office of the Village of Saltaire for Full Time Exempt Administrative Employees are Monday through Friday, 8:00 a.m. to 4:00 p.m. Eastern Standard Time (ET). All

administrative employees are expected to be at work during these hours unless approval is granted for a flexible work schedule.

Eligibility

Individuals of the Administrative staff requesting formal Flextime arrangements must be employed with the Village of Saltaire for a minimum of six (6) months of continuous, regular employment and must have a satisfactory performance record, which standard can be waived by the Village Administrator or Mayor for newly hired employees or other circumstances that inure to the benefit of the Village.

Work Schedule Guidelines

The limits of a Flextime arrangement therefore are start of work at 6:00 a.m. and completion of work at 6:00 p.m. ET, unless more expansive limits are approved by the Mayor.

The Flextime schedule allows the employee to adjust the length of their break period while still working an 8-hour day, with a minimum of a 30-minute and a maximum of a two-hour break, all of which must be taken no later than two (2) hours before the completion of the work day. A break of more than 30 minutes, if taken, must be made up somewhere in the Flextime schedule, and the intent of the break is not to allow the shortening of the work day.

An employee working remotely pursuant to the Remote Work Policy who requests Flextime must have their Flextime schedule approved in advance and in writing so that all non-remote employees are aware of their work hours and so the time parameters of any claim for work-related injuries are established.

The Flextime schedule cannot result in a compressed work week of fewer than five (5) days. The intent of the Flextime policy is to allow flexibility within the work day, not to allow for longer work days that allow the compression or shortening of the work week beyond the standard operating (5) five-day Monday to Friday week.

Procedures

Either an employee or a supervisor can suggest Flextime as a possible work arrangement. Any Flextime arrangement made will be on a trial basis and may be discontinued at will and at any time at the request of the employee or at the full discretion of the Supervisor, the Village Administrator or the Mayor. Every effort will be made to provide thirty (30) days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a Flextime arrangement. There may be instances, however, when no notice is possible.

Supervisors will approve Flextime on a case-by-case basis. One of the factors that the Supervisor will consider is whether the office is properly staffed during Village Office's peak operating hours of 9 a.m. to 3 p.m. ET. The employee must first discuss possible Flextime arrangements with his/her supervisor to gain approval. Any request for single and/or occasional Flextime may be requested and approved verbally by the supervisor. Any request for a regular and routine Flextime must be submitted in writing on a Flextime Request Form developed by the Village. The supervisor will approve or deny the Flextime request based on staffing needs (particularly during the above-described peak time during the summer season), job duties, the employee's work record and the employee's ability to temporarily or permanently return to a standard work schedule when needed.

An employee on Flextime must document their work and production pursuant to their Supervisor's direction or office policy. The Supervisor must adequately communicate the schedule of any Flextime employee so that all Administrative staff are aware of in-office and Flextime schedules. A

Flexitime arrangement may be suspended or cancelled at any time. Employees exempt from overtime must be able to depart from any Flexitime schedule to perform their jobs. Employees not exempt from overtime may be asked to work overtime regardless of a Flexitime schedule.

The motion was seconded by Trustee Oppenheimer, and on call the motion was carried according to the following vote:

Motion: Trustee Kovner

Seconded: Trustee Oppenheimer

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

Mayor O'Brien stated that the Board would continue to work on editing the compensatory time policy for future consideration.

APPROVAL OF PAID MEDIC SERVICES FOR THE 2023 SEASON

Mayor O'Brien stated that the Saltaire Volunteer Fire Company (SVFC) has requested that the Board approve a paid medic program to provide Advanced Life Support (ALS) or Basic Life Support (BLS) service, based on availability, be approved from Memorial Day weekend through Columbus Day weekend, 2023. He stated that their request is being made ahead of the normal budgeting process because of the anticipated long lead time necessary to find staffing in a tight labor market for this service, as well as the general need to plan for all aspects of fire and rescue service well ahead of the extended summer season. SVFC Assistant Chief Bernstein spoke to the surety provided by the higher level of ALS response by paid personnel in combination with the volunteer members of the Company. He also spoke of the higher probability of medical rescue calls in the shoulder seasons than in the past due to the trending higher populations combined with the scarcity of volunteer EMTs in residence at those times of year. He also requested that the weekly rate be increased from \$1,000 to \$1,200 in order to be competitive in an increasingly tight labor market for these services. Village Administrator Posillico stated that the requested timeframe at the higher compensation rate would result in a budgeted salary cost of \$22,800.00, plus associated payroll costs. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to authorize the Village Administrator to commit and expend sufficient funds, which shall be included in the final 2023/24 budget, as well as allocate of housing, to arrange for procurement of ALS or EMT providers (depending on availability) at a weekly rate of \$1,200.00 from Memorial Day weekend through the Columbus Day weekend for the 2023 season

The motion was seconded by Trustee Skerritt and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Skerritt

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

AUTHORIZATION TO RETAIN SPECIAL LEGAL COUNSEL

Mayor O'Brien stated that the firm of Hamburger, Maxson & Yaffe, LLP, which has represented the Village on special legal matters, is dissolving effective December 15, 2022. He further stated that,

since the Village requires such continued representation, it is in the best interests of the Village to retain the services of the new Firm of Hamberger & Yaffe, LLP, whose partner David Yaffe has been the primary attorney representing the Village for Hamberger, Maxson & Yaffe. The Mayor reported that a retainer agreement with the firm of Hamberger & Yaffe, LLP, had been received and subsequently modified on terms favorable to the Village after review by Village Attorney Joe Prokop, and stated that he believed that the retainer agreement was satisfactory and should be accepted by the Board. Trustee Oppenheimer made a motion to authorize Mayor O'Brien to sign the agreement to retain the services of the firm of Hamberger & Yaffe, LLP, as special legal counsel for the Village. The motion was seconded by Trustee Kovner, and on call the motion was carried according to the following votes:

Motion: Trustee Oppenheimer

Seconded: Trustee Kovner

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Kovner

Against: None

Abstain: None

ESTABLISHMENT OF RESTRICTED CAPITAL RESERVE FUND TO ACCEPT DONATIONS FOR PLAYGROUND IMPROVEMENTS

Trustee Wolf made a motion to adopt the following motion as drafted and presented by Village Attorney Prokop:

WHEREAS the Village of Saltaire may accept donations for public improvements and improvements of public property provided the donation of the money or property is not solicited and also provided the intent of the use of any such donation is intended to be and actually is for the benefit of the general public and not for any individual benefit of a donor; and

have indicated an interest in donating funds to the Village of Saltaire for improvements to the Village playground equipment and site improvements, including but not limited to the purchase of new equipment; and

WHEREAS the Board of Trustees of the Village has determined, subject to a further approval by the Board of Trustees of a more specific proposal, that there is an interest by the Village in expending public monies for the improvement of the equipment of the Village playground and playground site improvements, including but not limited to the acquisition of new playground equipment, including any monies that may be donated, without solicitation, for that purpose; it is therefore

RESOLVED by the Board of Trustees of the Village of Saltaire that (1) the Village is authorized to accept donations for the improvement of the equipment of the Village playground and playground area, including but not limited to the acquisition of new playground equipment and site improvements, subject to further approval by the Board of Trustees of the playground improvements; (2) the Village shall not solicit the donations either directly or through a third party; and (3) the Village shall establish and maintain a separate fund for the purpose of accepting any monetary donations that are made for this purpose; and (4) in the event that the Board of Trustees determines at a later time that the Village is unable to make the playground improvements at this time the money shall remain in the segregated account for future public playground improvements by the Village.

The motion was seconded by Trustee Oppenheimer, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

AUTHORIZATION TO CONDUCT A PUBLIC HEARING TO AMEND CHAPTERS 10 (BICYCLES) AND 50 (VEHICLES & TRAFFIC) TO REGULATE EBIKES.

Trustee Wolf led a discussion regarding proposed legislation that would amend both chapters 10 (Bicycles) and 50 (Vehicles and Traffic) of the Village Code to register and further regulate electric bicycles for the increased protection of the public from the risks associated with their use. Discussion ensued between the members of the Board and those in attendance, and after all having a chance to be heard, Trustee Wolf made a motion to conduct a public hearing at the next available Board of Trustees meeting to consider amendments to Chapter 10 and Chapter 50 of the Village Code.

The motion was seconded by Trustee Oppenheimer, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

TRUSTEE REPORTS

Each Trustee gave a brief overview report on their areas of respective oversight responsibilities.

APPROVAL OF MINUTES

Draft copies of the minutes of the Board of Trustees meeting of November 21, 2022 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Skerritt made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee Oppenheimer and on call it was carried according to the following action:

Motion: Trustee Skerritt

Seconded: Trustee Oppenheimer

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Against: None

Abstain: None

AUDIT AND APPROVAL OF ABSTRACTS

Mayor O'Brien stated that the following Abstracts, having been distributed to the Board and posted on the Village website, were presented for approval by the Village Administrator and the Village Treasurer:

General Fund Checking No. 6B in the amount of	\$17,898.73
General Fund Checking No. 7A in the amount of	\$73,937.53
Capital Fund Checking No. 7A in the amount of	\$5,125.00

After discussion and opportunity for questions, Trustee Skerritt made a motion that the above-listed abstract(s) be approved as presented and that the Mayor be authorized to execute the warrant(s). The motion was seconded by Trustee Wolf, and on call it carried according to the following vote:

Motion: Trustee Skerritt

Seconded: Trustee Wolf

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

ADJOURN INTO EXECUTIVE SESSION

Trustee Oppenheimer made a motion at 7:58 p.m., that the Board adjourn into Executive Session to discuss one or more of the following: information relating to current and future investigation and or prosecution of offenses in the Village, litigation strategy in pending or future litigation, personnel matters as described in Public Officers Law Section 105(f), and the purchase or sale of real property. The motion was seconded by Trustee Kovner and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Kovner

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Against: None

Abstain: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Oppenheimer made a motion at 9:17 p.m. to close the Executive Session and to re-adjourn into public session. The motion was seconded by Trustee Skerritt and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Skerritt

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Against: None

Abstain: None

Mayor O'Brien called the Public Meeting to order at 9:17 p.m. and the following were in attendance:

Hugh O'Brien, Mayor
Frank Wolf, Deputy Mayor, Trustee
Nat Oppenheimer, Trustee
Susan Skerritt, Trustee
Anna Kovner, Trustee
Scott Rosenblum, Advisor to the Board

Joseph Prokop, Village Attorney
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer

And at times up to 0 persons attended in-person and at times up to 0 other attendees observed through internet connection

AUTHORIZATION TO SOLICIT APPLICATIONS FOR FULL TIME ADMINISTRATIVE STAFF

Village Administrator Posillico stated that he and Village Treasurer Lyudmer have analyzed all of the clerical and financial tasks and responsibilities that are and will be required of the administrative office, and have presented an organizational structure and general job descriptions that would create two full-time positions for a Deputy Clerk and Deputy Treasurer to meet those needs. After discussion, and all having a chance to be heard, Trustee Oppenheimer made a motion to authorize the Village Administrator and the Village Treasurer to solicit applicants for both a Deputy Clerk and Deputy Treasurer position, of a projected annual salary of \$52,500.00 each, including all benefits available for a full-time employee pursuant to the Employee Handbook. The motion was seconded by Trustee Wolf, and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Wolf

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Against: None

Abstain: None

CLOSE OF MEETING

Trustee Kovner made a motion at 9:23 p.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- January 25, 2022 at 1180 Sixth Avenue, New York to start at 6:00 p.m., with remote connection, which will include any Public Hearings.

The motion was seconded by Trustee Skerritt and on call it was approved according to the following vote:

Motion: Trustee Kovner

Second: Trustee Skerritt

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Against: None

Abstain: None